

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 26, 2007

D048658 Marcey v. Romero

The judgment is affirmed. Romero is entitled to costs on appeal. CERTIFIED FOR PUBLICATION McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

D049257 Interinsurance Exchange of the Automobile Club v. Superior Court of San Diego County/Williams et al.

Let a peremptory writ of mandate issue directing the superior court to: (1) vacate its order granting Williams's motion for summary judgment and denying Exchange's motion for summary judgment; and (2) issue a new order denying Williams's motion for summary judgment and granting Exchange's motion for summary judgment. The order to show cause is discharged. The stay of further proceedings in the trial court issued February 1, 2007, is vacated. Petitioner shall recover its costs in this writ proceeding. CERTIFIED FOR PUBLICATION McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D050508 People v. Superior Court of San Diego County/Wenzel

The petition is denied.

D049718 Contreras v. Wilder

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 27, 2007

D048919 Kolender as Sheriff v. San Diego County Civil Service Commission/Gant

The judgment is affirmed. Each party to bear its own costs. Huffman, Acting P.J.;
We Concur: McIntyre, J., Aaron, J.

D049930 In re Stephen on Habeas Corpus

The petition is denied.

D047469 Csaszi v. Punaro

The order granting the anti-SLAPP motion is affirmed. The appeal from the order denying reconsideration is dismissed. Punaro is awarded his costs on appeal. McIntyre, J.;
We Concur: Huffman, Acting P.J., Aaron, J.

D049926 In re Cohea on Habeas Corpus

The petition is denied.

D050525 People v. Berkey

The petition is denied.

D050157 Intergulf Development (Kettner) LLC et al. v. Superior Court of San Diego County/Cherepon

The petition is denied.

D050527 Debolt et al. v. Superior Court of San Diego County/Harris Jr. et al.

The petition is denied.

D049847 Aceves v. Superior Court of San Diego County/People

The petition is denied.

D049837 San Diego Gas & Electric v. Workers' Compensation Appeals Board and Williams

The petition is denied. As requested by Williams, the matter is remanded to the WCAB for a supplemental award of attorney fees. (Lab. Code, 5801.)

D049477 In re N.S., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 27, 2007 (Continued)

D048757 People v. Wenberg

The petty theft conviction is reversed. In all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare a corrected abstract of judgment consistent with this opinion, and forward a certified copy to the California Department of Corrections and Rehabilitation. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D047607 People v. Scharf

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D050341 Wells Fargo Bank N.A. v. Superior Court of San Diego County/Strickler

The motion to augment the record with copies of the signed minute orders is granted. The petition is denied. The stay issued March 1, 2007, is vacated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 28, 2007

D049154 Bryant v. Superior Court of Imperial County/People

Let a writ issue directing the superior court to (1) vacate its order denying Bryant's motion to require the prosecution to produce (a) the name of the person who authored the rules violation report on Department form 115 regarding the incident on which the present charges are based and (b) all other reports authored by that person arising out of that incident, (2) enter a new order granting Bryant's motion for this discovery, and (3) ensure that Bryant is present at all proceedings in this case unless he executes a waiver in accordance with Penal Code section 977, subdivision (b)(1). This decision will become final as to this court 10 days after it is filed and, at that time, the stay issued by the court on September 5, 2006 will be vacated. McIntyre, J; We Concur: McDonald, Acting P.J., Irion, J.

D049952 In re Joseph S., a Juvenile

Appellant has failed to file a brief. The appeal is dismissed.

D049188 People v. Floyd

The judgment is affirmed but for the sentence. The matter is remanded to enable the trial court to modify the abstract of judgment to reflect a 10-year rather than a 10-year, eight month sentence. The trial court shall forward a copy of the modified abstract of judgment to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

D050443 In re Isaac F., a Juvenile

Presiding Justice McConnell and Associate Justices Benke and Aaron have reviewed this matter. There has been no response to this court's order of March 9, 2007. The appeal is accordingly dismissed.

D050315 Lawrence v. Arnell

The matter having been considered by Acting Presiding Justice Huffman and Associate Justices Benke and Nares, defendant Lantz E. Arnell's appeal filed on February 9, 2007, is DISMISSED on the ground it is from a nonappealable order.

D050368 Pauma Band of Luiseno Mission Indians v. Harrah's Operating Company, Inc.

The matter having been considered by Acting Presiding Justice Huffman and Associate Justices Benke and McIntyre, the appeal filed by defendant Harrah's Operating Company, Inc. from December 22, 2006, judgment and January 29, 2007, order denying its motion for judgment notwithstanding the verdict is DISMISSED on the grounds it is from a non-final judgment and interlocutory order. The cross-appeal filed by plaintiff Pauma Band of Luiseno Mission Indians from the December 22, 2006, judgment is likewise DISMISSED on the ground it is from a non-final judgment. The parties shall bear their own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 28, 2007 (Continued)

D050552 People v. Alcott

The notice of appeal and February 23, 2007, minute order have been read and considered by Justices Benke, Huffman and Nares. Review of a decision by the Appellate Division of the Superior Court is by certification and transfer. (Cal. Rules of Court, rule 8.1000 et seq.) Defendant's appeal filed on March 15, 2007, is inoperative. The appeal is dismissed.

D049811 In re Jamie K., a Juvenile

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

D050542 In re Maryana G., a Juvenile

This matter has been reviewed by Associate Justices Huffman, Benke and Irion. The notice of appeal is untimely. The appeal is accordingly dismissed.

D050547 Wind v. Superior Court of San Diego County/Wind

The petition is denied without prejudice to refiling with this court after petitioner exhausts her remedies in the superior court by filing a formal motion to require use of the judicial council form.

D050008 Mahdavi v. Superior Court of San Diego County/People

The motion for recusal is denied. The petition is denied.

D050381 In re Thompson on Habeas Corpus

The petition is denied.

D049975 Verilet Healthcare Information Technology et al. v. Superior Court of San Diego County/Smith

The petition is denied.

D050553 People v. Darulis

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 29, 2007

D049962 In re D.S., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Nares, Acting P.J., Aaron, J.

D047950 Hasslinger v. Martin

The order and judgment are affirmed. Costs on appeal are awarded to respondent. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D047175 People v. Romero

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Benke, J.;
We Concur: McConnell, P.J., Irion, J.

D050125 In re Isaac K., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D049139 People v. Eggson

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., Aaron, J.

**D050572 Jones v. Superior Court of San Diego County/AIMCO dba Windrift
Apartments**

The petition is denied.

D048363 People v. Knox

The victim restitution order of the trial court is affirmed in part and reversed in part. The order for victim restitution for identity theft monitoring, counseling and therapy is affirmed. The order for victim restitution for lost wages and payment of the small claims judgment is reversed. The matter is remanded with instructions to conduct a rehearing to determine the victims' economic loss, including lost wages and other compensable employment benefits referred to in this opinion for time spent in court as a witness and in assisting the police or prosecution in accordance with this opinion. The small claims judgment should be incorporated into the restitution order only to the extent the judgment is supported by substantial evidence that it is for losses authorized for the payment of victim restitution under section 1202.4; victims may submit additional evidence to support their claims. The revised restitution order should be modified, to the extent possible, to itemize each loss for which restitution is ordered. In all other respects, the amounts awarded for victim restitution are proper. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

**D049443 Walker v. Superior Court of San Diego County/The San Diego Police
Department**

Let a peremptory writ of mandate issue directing the superior court to vacate its order denying Walker's Pitchess motion and directing the court to conduct an in-camera review of Detective Rubio's personnel records. The stay issued by this court on October 26, 2006, is vacated. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 29, 2007 (Continued)

D047303 People v. Atchison

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D049978 In re Fabian Z., a Juvenile

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D048900 In re L.S. a Juvenile/San Diego County Health and Human Services Agency v. Kimberly A.

The petition for rehearing is denied. The opinion dated March 5, 2007 is modified (no change in judgment).

D049904 In re McGowan on Habeas Corpus

The petition is denied.

D048899 In re Edward K., a Juvenile/San Diego County Health and Human Services Agency v. William K.

The orders are affirmed. Irion, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D048007 People v. Dao

The judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

D049972 Jendrian v. Superior Court of San Diego County/People

The petition is denied.

D049927 In re Young on Habeas Corpus

The petition is denied.

D049947 Cirilo v. Superior Court of San Diego County/MBNA America

The petition is denied.

D049886 Solis v. Colton

Upon written request filed by the appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D050083 In re Elliott on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 29, 2007 (Continued)

**D050222 Floriberta R. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned.
The case is dismissed.

D048910 People v. Young

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is
dismissed and the remittitur is ordered to issue immediately.